

08.01.2025
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as
[ALLOWED]

C. R. M. (A) 4471 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Dum Dum Police Station Case No. 417 of 2024 dated 13.11.2024 under Sections 318(2)/69/115(2)/79 of BNS, 2023.

In Re: ***Soumen Kiranmoy Biswas @ Soumen Biswas.***
... .. Petitioner

Mr. Pinak Kr. Mitra,
Ms. Subhamita Ghosh
Ms. Pallavi Pain.

... .. for the petitioner

Mr. Iqbal Kabir,
Ms. Rajashree Tah.

... .. for the State

Mr. Akash Sarkar.
...for the de-facto complainant.

1. Petitioner submits there was an intimate relationship between the petitioner and the victim. No deception was practiced. Allegation of terminating pregnancy is false. Accordingly, he prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail.
3. Learned Advocate for the de-facto complainant also opposes the prayer for anticipatory bail. He contends petitioner cohabited on the false promise of marriage. It is also submitted victim had become pregnant and was compelled to abort.
4. We have considered the materials on record. Petitioner is an employee of the Airport Authority of India. Victim is a major lady. It is alleged they fell in love with one another. Whether cohabitation was out of love and affection or on the false promise

of marriage requires to be assessed at the appropriate stage of the proceeding. No medical document with regard to miscarriage is placed on record. Progress of investigation does not call for custodial interrogation.

5. Under such circumstances, we are inclined to grant anticipatory bail to him.

6. Accordingly, we direct that in the event of arrest, the petitioner viz., **Soumen Kiranmoy Biswas @ Soumen Biswas** be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 482(2) of the BNSS. He shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

7. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)